

June 29, 2006 Minutes of Bigfork Land Use Advisory Committee

Members present: Phil Hanson, John Bourquin, Mary Jo Naïve, Darrel Coverdell, Paul Guerrant

Chairman Bourquin called the meeting to order at 4:05 PM and called for approval of the agenda. Paul Guerrant moved the agenda be accepted as presented. Phil Hanson seconded the motion. Motion passed unanimously.

Minutes for the May 25, 2006 Regular Meeting and Special Meeting June 15, 2006 were approved as presented.

OLD BUSINESS:

Don Loranger, Chairman of the Bigfork Steering Committee, expressed appreciation of the Bigfork Steering Committee for the reinstatement of the relationship of BLUAC and BSC. Loranger reported the BSC Executive Committee had spent four work sessions reviewing, editing and fine tuning the amended Bigfork Land Use Neighborhood Plan. The draft document has been forwarded to Lisa Horowitz for her review and comments. Steering Committee meetings have been suspended pending the return of the draft document for review of any changes recommended and preparation of the Power Point presentation for public comment. The draft document will then be forwarded to BLUAC for approval before public meetings are held.

A written report was presented to BLUAC members by Shelley Gonzales on the status of the BSC progress with the growth plan.

John Bourquin and Darrel Coverdell both expressed they would like some time to look over the document before the draft is presented for approval. All BLUAC members expressed they would certainly like to be up to speed before the public meetings. Secretary Hanson was asked to obtain copies for all BLUAC members. It was generally agreed that the Plan would be presented jointly by BLUAC and BSC to the public.

Jeff Harris, Flathead Planning Director, told the committee that the Flathead County Growth Plan will have a chapter on Neighborhood Plans. He suggested the Neighborhood Plans have a stipulation of no amendments to the Neighborhood Plan for two years after approval by the county. He also requested BSC minutes be sent to Kirsten Holland in the future.

The letter to the Commissioners, Jonathan Smith and Jeff Harris regarding the Draft Amended BLUAC Bylaws was discussed. Chairman Bourquin has not received any copies to be returned according to the letter. Harris noted that he had received the letter. Kirsten Holland stated she would make sure all copies in the Planning Office were returned to the Chairman or destroyed.

NEW BUSINESS:

BLUAC Application Packets:

Discussion was held regarding the information BLUAC members receive with application packets. Holland explained that, on occasion, the deadline for applicants to complete the information required by the application (two weeks prior to the Planning Board hearing) and other entities to respond, fell after the scheduled BLUAC meeting. Thus, the Planning Office was not able to send complete packets or staff reports. Other than in that instance, all related documents will be included. She invited members to call the planner if there were any questions regarding an application. Holland will direct staff to include the Planner's name for each application.

A list of adjacent property owners will be included.

Incomplete or illegible maps were discussed. Holland noted that the Planning Office will make every effort to encourage applicants to provide maps that are more informational. She also stated that the County, at the present time, cannot require an applicant to place signage on the proposed property. There

are often survey markers on the property to help identify the boundaries. Developers are reluctant to “advertise” development before approval. Harris explained that the subdivision regulations were in the process of updating and it is possible there will be a provision for better identification in the new regulations. Darrel Coverdell suggested a GPS location would be helpful in the future.

In answer to better contact information on the application, it was suggested that most engineering firms connected with the project are helpful in answering questions. Corporation and LLC’s can be checked through the Secretary of State records online.

It was decided, since all members receive minutes of each meeting by email, it is unnecessary for the Planning Office to include minutes in the packet.

Application Procedure:

There is a 60-day time limit on applications. Each application submitted is checked for completion and quality of information. If there is information missing or incomplete, the application is returned to the applicant and the time limit is extended. The Planning Office notifies all agencies of the application and invites their response. When the application is complete, the Planning Staff report is prepared and the application is presented to BLUAC.

There was discussion regarding BLUAC placing conditions on an application. Due to the specifics and legal language of actual conditions, it was suggested BLUAC make “recommendations or suggestions” rather than specific conditions. Harris encouraged BLUAC members to “spell out” concerns. There was some discussion as to whether BLUAC should deny an application and state the committee “might support the application” with specific recommendations or to approve applications with “suggestions”. Concern was what message the committee was sending to the Planning Board. There was no resolution to the question and will be discussed further when all members are present.

Harris indicated the Planning Office would definitely prefer to have minutes of the every meeting, noting the concerns or suggestions of the committee. Minutes of the meeting are included with each staff report to the Planning Board.

The Planning Board next reviews the application. Occasionally, there are “mid-stream” corrections to an application. In that event, the application will return to BLUAC before being presented to the Planning Board. In the event the scheduling does not allow for BLUAC review, Holland will notify BLUAC of the situation.

Final step is review of the Flathead County Commission.

There is a three year completion requirement of a developer. In the case of phased development, the first phase has a three-year completion, subsequent phases required to be completed in two years.

After an application has received approval from the Commission, the Planning Office follows up to determine if developers comply with conditions.

Harris suggested it would be helpful for BLUAC to have discussions with Bigfork Water & Sewer to determine how the district is projecting use and what long range plans or projections are in effect. He noted over 20,000 undeveloped lots in the County. It would be useful for BLUAC to look at how many lots in the Bigfork zoning district are yet undeveloped.

In answer to what constitutes a minor development, Holland stated that 5 lots or less is a minor development. Subsequent development within a prior minor development moves it into the category of a major development.

Committee members thanked Jeff Harris and Kirsten Holland for the very useful and informational orientation. The Committee broke for a short recess at 5:50 PM before moving to final items on the agenda.

The Committee reconvened at 6:00 PM

Announcements:

Secretary Hanson provided members a copy of a contact list for BLUAC members including email addresses, as well as the upcoming dates for meetings concerning the Flathead County Growth Plan. The Growth Plan will be available online (co.flathead.mt.us/fcpz/growthpolicy.html) or at the Planning Office at 1025 First Avenue West in Kalispell on **June 30, 2006**. FAX comments may be sent to 751-8200.

There will be a meeting of the Flathead Neighborhood Group on **July 6, 2006**, from 6:00 PM to 9:00 PM at the Northridge Lutheran Church in Kalispell.

There will be a Public Meeting on the County Growth Policy in Bigfork on **July 12, 2006**, from 6:00 PM to 9:00 PM at the Bethany Lutheran Church. Hanson will ask community members to provide coffee and treats for the meeting.

Committee members asked secretary Hanson to follow up with the Planning Office on status of applications after being reviewed by BLUAC. Members were encouraged to attend Planning Board and Board of Adjustment meetings.

John Bourquin will call the Planning Office with any questions committee members have on applications received. Members were encouraged to contact John prior to the meeting with any questions they may have.

Paul Guerrant expressed the desire to do a site review in the company of other members of the committee. There was some discussion regarding Jonathan Smith's position on meeting outside a regular meeting.

Craig Wagner provided information he acquired from Pat J. Knoll, a Registered Parliamentarian regarding committee members meeting outside a public meeting. "A meeting is defined as called to order to conduct business with an agenda in an official sense. You can't have a meeting where you do anything in the name of the organization unless there has been some sort of previous notice for the meeting; such as a regularly scheduled meeting or a called special meeting.

"Therefore, an entity/group could get together for lunch, golf or in attendance at a social gathering and such would not constitute a formal meeting of that entity."

In this light, the "more seasoned" committee members agreed to accompany committee members for a review of sites. Chairman Bourquin will call Deputy County Attorney Jonathan Smith for his input to members meeting to review property.

Chairman Bourquin volunteered to call Julie Spenser at the Bigfork Water & Sewer District to set up a meeting. It was generally agreed that it would be useful to also set up meetings with the Superintendent of Schools and establish a dialogue with the Flathead County Roads Department. Secretary Hanson will provide members with the list of more recent developments approved in the zoning district to all members.

Bylaws:

Each committee member has received a copy of the existing Bylaws, amended December 8, 2005. In addition, a copy of the same Bylaws with suggestions noted in colors by individual committee members was distributed. Subjects such as Procedures and Order of Business for each meeting may be considered Policies and Procedures and not included in the Bylaws.

While the draft is still in the discussion stage, several items were covered during the review of the draft.

1. Include in Bylaws a stipulation that BLUAC members may not serve on a Flathead County Planning & Zoning Board or Board of Adjustments.
2. Under Resignation or Termination, wording is considered to state a member who is dismissed and replaced shall not be eligible to re-apply for one year.
3. Insert from the prior draft by Clarice Ryan the paragraphs concerning conflict of interest and ethics as well as the Statement of Purpose.
4. Places for posting notice of BLUAC business were discussed to give the public more access. It was noted that the Bigfork Cultural Center and the Bigfork Chamber of Commerce are often closed or have

abbreviated hours during the winter months. Other locations to be considered are Sliter's Hardware, Bigfork Drug and the Bulletin Board in the Village next to the Jug Tree, in addition to the Post Office.

5. Include the Bigfork Steering Committee as a standing committee as well as providing the ability to set up other committees as the need arises.

6. Clarify the language regarding site review of properties by committee members.

7. Change from simple majority to 2/3 committee vote to amend Bylaws.

Meeting was adjourned at 7:10 PM.

Sue Hanson

Secretary